

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARTIN PHILIP ROSE,

Defendant.

**CR-18-12-GF-BMM-JTJ**

**ORDER**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on May 8, 2019. (Doc. 58). Mr. Rose waived his right to object to the Findings and Recommendations. *Id.* at 3. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on May 7, 2019. The United States alleged that Rose had violated the conditions of his supervised release: 1) by using methamphetamine; and 2) by failing to abide by the rules of the Great Falls Pre-Release Center. (Doc. 50). Rose admitted that he had violated the conditions

of his supervised release by failing to abide by the rules of the Great Falls Pre-Release Center. (Doc. 59 at 2). Rose did not admit or deny the first alleged violation. The government did not attempt to prove the first alleged violation. *Id.* The violations prove serious and warrant revocation of Rose's supervised release.

Judge Johnston has recommended that the Court revoke Rose's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of time-served, with twenty-two (22) months of supervised release to follow. Judge Johnston recommended further that Rose should reside at a Residential Reentry Center until August 5, 2019. (Doc. 59 at 4).

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Rose's violations represent a serious breach of the Court's trust. A custody term of time-served and twenty-two (22) months of supervised release to follow is sufficient but not greater than necessary. Rose should reside also at a Residential Reentry Center until August 5, 2019.

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Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 59) are **ADOPTED IN FULL**.

**IT IS FURTHER ORDERED** that Defendant Rose be committed to the custody of the United States Bureau of Prisons for a term of time-served, with 22 months of supervised release to follow. Rose will reside at a Residential Reentry Center until August 5, 2019.

DATED this 9th day of May, 2019.



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Brian Morris  
United States District Court Judge